

United States District Court
Western DISTRICT OF Pennsylvania

Warren Durham Jr.

**APPLICATION TO PROCEED IN
 FORMA PAUPERIS, SUPPORTING
 DOCUMENTATION AND ORDER**

v.
 City and County of Erie, CASE NUMBER: No. 04-198 Erie
 ET AL.

I, Warren Durham Jr., declare that I am the (check appropriate box)

petitioner/plaintiff movant (filing 28 U.S.C. 2255 motion)
 respondent/defendant _____ other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

Plaintiff suffered constitutional injury when forced to proceed pro se at his criminal trial in violation of his right to counsel.

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes No
 a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.
 DECEMBER of 1992; approximately \$7.50 per-hour.

2. Have you received within the past twelve months any money from any of the following sources?
 a. Business, profession or other form of self-employment Yes No
 b. Rent payments, interest or dividends? Yes No
 c. Pensions, annuities or life insurance payments? Yes No
 d. Gifts or inheritances? Yes No
 e. Any other sources? Yes No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

U.S. Army, VETERAN'S EMERGENCY ASSISTANCE, Pay utilities and Supply food voucher for \$247.00 per month.

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes No

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9/4/05

(Date)

Signature of Applicant

CERTIFICATE
(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months the applicant's average balance was \$ _____

Authorized Officer of Institution

ORDER OF COURT

The application is hereby denied

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge

Date

United States Judge
or Magistrate

Date